

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., October 31, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2; Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Tim Phillips, Chief Engineer and General Manager, Flood Control District, delivered the invocation.

PLEDGE OF ALLEGIANCE

Carlos Rivera, O & M Inspector, Flood Control District, led the assemblage in the Pledge of Allegiance.

PRESENTATIONS

1. WINNING AS ONE AWARD

Item: For the second consecutive year, Walgreens Health Initiatives (WHI), the pharmacy benefit manager for the County's employee pharmacy benefit, will present a "Winning as One" award to Maricopa County for the "Highest Generic Dispensing Rate", 67.1%, of companies and organizations in the United States that contract with WHI for their commercial pharmaceutical services. (C3508003000) (ADM650-001)

Mike Schaiberger, Director of Employee Health Initiatives, introduced Jack French, Senior Vice President of Walgreens Health Initiatives to present their "Winning as One" award to the County for the second year in a row. Mr. French called Maricopa County a beacon for other employers in the country to emulate and said all employees should be very proud because they have done an outstanding job in switching to generic brands for two years, and he had expectations that he would be back again next year with another award for outstanding cooperation. He added that Maricopa County's switch to generic last year went from 50% utilization to 70%. He said that every point gained was like adding \$1.50 to the County's benefits budget. Chairman Brock called Mr. Schaiberger and Pat Vancil, Total Compensation Director, forward to join him and the other Board Members in receiving this award.

2. SERVICE AWARDS

Michael Rubino read a short biographical sketch on each of the following employees, who have provided 30 or more years of public service to the citizens of Maricopa County. He called each to come forward, with their supervisors, to receive a plaque and congratulations from the Board, honoring their years of service to the citizens of Maricopa County. (C3508001000) (ADM3341)

30-32 Years of Service

NAME	DEPARTMENT	EMPLOYMENT DATE
George W. Gridley	Juvenile Probation	September 13, 1977
Raymond Hilton	Assessor's Office	September 20, 1977
Sally E. Sokol	Public Fiduciary	September 19, 1977

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

Shirley K. Strembel
Willie M. Russell

Public Health
Public Health

September 7, 1977
September 29, 1975

35 Years of Service

NAME

Michael W. Branham
Kristine A. Hatfield
William Mohr
Marcie A. Rosales

DEPARTMENT

Sheriff's Office
County Attorney
Assessor's Office
Correctional Health

EMPLOYMENT DATE

September 18, 1972
August 13, 1972
July 24, 1972
August 28, 1972

3. REWARDING IDEAS PROGRAM

Candy Steill, District 4, presented the following employees awards from the Rewarding Ideas Program: Chairman Brock presented each winner with a Certificate of Appreciation and a check. (C2008030900) (ADM3333-002)

EMPLOYEE	DEPARTMENT	CHANGE	SAVINGS	AWARD
Jasper Altaha and Amy Putnam	Elections	Postcard size business reply mail piece	\$5,40	\$540 each
Theodoro Rodriguez	Facilities Management	Add time clock to light fixtures	\$7,352	\$1,470
Kathryn Stockton	Planning & Development	Use custom unit cabinets	\$2,043	\$408
Corrine Russell and Karen Reno	Environmental Services	Implement application fee liquor license	\$18,450	\$1,250 ea.

STATUTORY HEARINGS

Clerk of the Board

4. LIQUOR LICENSE APPLICATIONS - CONTINUED

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Kim Kenneth Kwiatkowski for a New Series 10 Liquor License:
(MCLL6244) (AZ#10075490)

Business Name: Circle K Store # Riggs - **Continued**
Location: SEC Riggs Road and Arizona Avenue, Chandler 85248

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this application to the November 14, 2007, meeting to comply with posting requirements.

**FORMAL SESSION
October 31, 2007**

5. GILBERT COUNTY ISLAND FIRE DISTRICT

Item: Pursuant to A.R.S. §48-851, Chairman Brock convened the public hearing regarding the formation request for the proposed Gilbert County Island Fire District "District" located in the Town of Gilbert municipal planning area.

The Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district formation request and authorize the persons proposing the district to circulate petitions.

The revised map and a list of proposed organizing board members are on file in the Clerk of the Board's Office. (C0608034700) (ADM4450-001)

Victoria Mangiapane outlined the process that is mandated in House Bill 2780 in order to form a fire district in non-contiguous, unincorporated areas of a town's planning area, with cost reimbursement to be paid to the County by the District if it is formed. Ms. Mangiapane explained that at the public hearing today the Board will determine if the creation of the district will promote the public's health, comfort, convenience, necessity or welfare. If the Board approves the initial formation request, it shall authorize the circulation of petitions that will need to be signed by more than one-half of the aggregate number of property owners in the proposed district. If the petition process is successfully completed, Ms. Mangiapane explained that the district's board must take certain steps to obtain fire protection services: (1) The district may attempt to enter into an agreement with the surrounding municipality to provide fire services; (2) If the surrounding municipality is not interested in entering into an agreement with the district, the district may issue a request for proposals for a contract with a private provider of fire protections services, and (3) In the event the district does not enter into an agreement with the municipality or a private provider, the municipality must provide fire protection services to the district and will be reimbursed for the services it provides from the taxes levied by the district.

There were several questions regarding annexations, before, during and after the formation of a district. Ms. Mangiapane provided detailed responses and explained when parcels annexed to the town would be removed from the District as provided by statute. She further noted that all annexations that have been completed by the Town of Gilbert to date would be removed from the proposed district. .

Those registering to speak in favor of a fire district were Mary-Ann Doi, Marci Sale and Ron Ore Giron. Others registering to speak included Ralph Pew and Mike Withey, Nationwide Insurance. George Pettit, Gilbert Town Manager, registered as opposed to the District.

George Pettit addressed the fact that some property owners have already completed the annexation process into the Town of Gilbert and added that there are others who have filed a completed petition and the Town would like the Board to also remove these parcels from the list eligible for membership in the District, since all that is missing was the calling of a town council meeting to approve them. He said there are others who also wish to be annexed but have not completed the regulated waiting period and their registration could not be accomplished by 5:00 o'clock tonight. Mr. Pettit stated he had different information from Gilbert's counsel as to whether annexations could continue once the boundary lines were set for the district which may be

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

different from County counsel's interpretation. He offered to meet and negotiate the differing interpretations of the law with County staff and counsel.

Supervisor Kunasek asked Ms. Mangiapane to repeat her earlier explanation that described the process for property owners in the District who change their mind and ask to be annexed into the Town. He asked what the process to "de-annex" from the District and sever any financial responsibility to it would be once someone is a member, and she explained this in more detail.

Ms. Mangiapane said that there is a provision in Title 48 dealing in general with fire districts as a whole, "that despite there being no "opt out" clause in the new statute there certainly is a method that allows for deannexation after a fire district is created." She added that there is only one window in time when you cannot deannex, which is when a District must contract with a private provider. During the contracted time period members of the district may not withdraw from that contract. She believed the law does provide for annexations to continue during this preliminary period and even after the district is formed as long as the requirements in 48-813 were met which deals with removing property from the district once it is formed.

Ron Ore Giron, a resident of this County Island, said he felt he was being harassed by the Town of Gilbert and abandoned by Maricopa County. He charged that the County has not made any effort to help residents the past several years when they have had no fire or emergency protection. He explained that he pays his taxes and he is part of this County and he wants to remain a resident of the County and not of the Town of Gilbert, and that many others felt as he feels. He said, "It is obvious that Gilbert does not want to supply any solutions for you," but asked that a solution be found to help the County Island families. He charged that Gilbert was using scare tactics on the residents who live on County Islands regarding having higher insurance rates and that they will eventually be forgotten unless they accept annexation. He repeated, "A lot of people like myself don't want to annex."

Supervisor Kunasek continued by explaining that the County, and in particular Supervisors Brock and Stapley, had expended much time and effort for more than a year in working with East Valley officials and legislators to ready a proposal to the legislature and finally achieve the legislation that is allowing County Island residents throughout the State to form fire districts and obtain some relief from the lack of protection they have suffered. He explained that, unfortunately, there isn't a legal option that would allow Maricopa County to provide fire service for island residents, or for anyone else in the County. He added that it was a misconception to believe that the taxes that have been paid by residents over the years had gone to Rural Metro to pay for their services. He explained that Rural Metro was paid by resident subscribers and not from tax monies.

Ralph Pew said he had come on behalf of three property owners, Mr. Peter Situ, C. R. Gilbert, LLC, and Val Vista Enterprises, LLC. He said that these property owners have undeveloped or vacant land ready to annex into the Town of Gilbert. Their concern is that when a district is formed, if it contracts with a private provider for services then land owners must wait for the contract to close before annexing and obtaining sewer provisions, and this could take years. He asked that any motion to approve be worded to allow the exclusion of these three parcels.

Fran McCarroll clarified for Mr. Pew that the C.R. Gilbert, LLC parcels have already been annexed and they are not part of the process in forming a district. She added that the other two have not completed the process and are considered to be within the District boundaries at this time.

**FORMAL SESSION
October 31, 2007**

Mary-Ann Doi said her property has been without fire service for more than a year after having subscribed with Rural Metro for fire service when they first purchased their property. She said that homes less than 1,200 feet from her house, but on the other side of Recker Road, are still serviced by Rural Metro. She said there is a Town of Gilbert fire hydrant across from her house to service sites that have already annexed yet, even with water that close, the Town refuses to provide her family with fire service unless they accept annexation. She added, "The Town of Gilbert seems to have an implicit policy of 'annex or burn'" and stated, "For those of us who wish to remain County and not be coerced by the Town of Gilbert into forced annexation, this new fire district will be the only way that we can be provided with emergency services." She asked that this item be approved.

Mike Withey, representing Nationwide Insurance, introduced a map showing properties recently acquired by Nationwide between Gilbert and Lindsey Roads and adjacent to the San Tan Freeway that is mostly in Gilbert. He said Nationwide will construct a major-employment, corporate center there. Several small parcels in the total purchase were County islands and these are located in the middle of the property. Their plan is to annex them into the Town as soon as possible but they are not yet ready for annexation. He asked that these nine parcels be excluded from the District.

Marcie Sale, County Island resident and a member of the organizing committee for district formation, thanked the Board for their help in identifying those County Island parcels that are "in peril and need immediate assistance due to the lack of fire protection." She said they have been without fire protection from Rural Metro for over a year, adding, "We've been lucky that we've only had one property burn, but that is one too many." She requested approval so that petition signing could begin immediately and encouraged exclusion of those parcels that have "not only begun but have completed the annexation process." She questioned those who say "we want to annex in the future" since that may never happen and they could be without fire protection for an extended period of time.

Motion was made by Supervisor Stapley that the creation of the Gilbert County Island Fire District, which will promote the public health, comfort, convenience, necessity or welfare, be approved, and that the Board approve the District formation request and authorize the persons proposing the District to circulate petitions with the following amendments:

1. The typographical error regarding a street name in the general description document be amended from Power Road to Baseline Road.
2. That all parcels that have completed annexation by ordinance from the Town of Gilbert and which are on the list from the Assessor's Office entitled "Annexed Parcels," which has been provided to the public here today be removed; along with any other completed annexations which may be forwarded to the Clerk of the Board's Office from the Town of Gilbert by 5:00 p.m. today.

Motion was seconded by Supervisor Wilson.

Supervisor Stapley commented that no one has mentioned "How Maricopa County has stepped up in terms of covering the costs – any cost, once this process begins – that are incurred by the Town of Gilbert for any emergency calls or fires. We have back-stopped these with a commitment to reimburse the town. I don't know that very many people really understand that." He said the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

Town's major argument to him has been "cost" and he agreed that it really isn't fair unless the town is paid for the service they provide.

He mentioned the months of work spent with legislators to get this process passed into law and reminded all that 51% of the property owners still have to sign the petition and the work isn't finished yet. "But, in the interim, we have agreed to make the town whole on any costs that they incur." He said that this answers the only serious concern the Town had expressed. He added, "That's the reason Rural Metro pulled out, because they couldn't collect and they couldn't force people to pay." He said County Islanders now have the opportunity to agree to pay for their services through the petition process and he felt that having these citizens agree to tax themselves was fair.

Chairman Brock agreed with what was said and also referenced the multiple meetings with the town and with private citizens in the last three years. He thanked the County's government relations staff, the legislators and the town who have worked this through to a preliminary completion.

Supervisor Wilcox said she realized that in some instances this might not make sense, as to Mr. Pew and Mr. Withey, and she referenced the many citizens living on these islands who have tried to work with Gilbert for protection for their families with no success. She said for safety's sake the only course the County has is to proceed.

Supervisor Kunasek also expressed his support and pledged to work with the legislature to work out annexation problems if any arise.

Motion carried unanimously (5-0) to approve the district formation request and authorize the persons proposing the district to circulate petitions.

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Assessor

6. TRANSFER EXPENDITURE AUTHORITY FOR GEODETIC DENSIFICATION AND CADASTRAL SURVEY SYSTEM

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$3,063,876 from FY 2007-08 Appropriated Fund Balance (480) General Fund (100) Technology Reserve (4811) to a new line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) entitled "GDACS - Geodetic Densification and Cadastral Survey". Approval of this action will allow one-time funding for the Assessor's Office to contract, hire temporary staff and utilize resources to implement a Geodetic Densification and Cadastral Survey system. These adjustments will result in a net impact of zero to the County budget. (C1208003000) (ADM300-003)

Constables

7. MARICOPA COUNTY CONSTABLE POLICY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve amending the Constables Personal Safety Training Policy A2232 by adding language, which includes requiring that the minimum qualification for the position of Maricopa County Deputy Constable includes the certification from the Arizona Peace Officer Standards and Training Board (AZPOST). NOTE: Constables Myers and Hazlett were present to answer any questions, if needed, but there were none. (C2508003600) (ADM632)

CONSTABLES PERSONAL SAFETY TRAINING POLICY

A. PURPOSE

This policy identifies three levels of training opportunities that will be available to the constables and deputy constables of Maricopa County in order to enhance their personal safety while serving the process of the Justice Courts.

B. POLICY

1. Maricopa County will make available to the constables three levels of enhanced safety training. Level I Safety Training will be made available to all constables. Constables who successfully complete and maintain Level I and II Safety Training may carry certain defensive (non-lethal) weapons during the performance of their duties and in course and scope of service. Constables who successfully complete and maintain Level I and III Safety Training may carry a firearm during the performance of their duties and in course and scope of service.
2. Constables and deputy constables who are currently certified and in compliance with all AzPOST regulation for peace officer status are exempt from duplicating applicable requirements in this policy.
3. A constable who has completed Level III training and has obtained an Arizona Concealed Weapons Permit may carry a concealed weapon in the performance of duty. A concealed weapons permit issued pursuant to A.R.S. § 13-3112 is not specific authorization to enter county property with a concealed weapon or to carry a concealed weapon in the course and scope of service. (County Administrative Policy A2228).
4. A constable who carries a firearm in violation of this policy acts outside the course and scope of service; is subject to any criminal action as provided by law; is subject to disciplinary action; and may be subject to personal liability for any claim of damage resulting from the violation (see section (E)(6)).
5. Completion of Levels I and III training does not in itself qualify a constable as an AzPOST certified peace officer. This policy in no way amends the duties of constable; rather it provides enhanced, personal safety in the performance of their statutory duties.

C. DEFINITIONS

Firearm: For the purpose of this policy firearm means any loaded or unloaded handgun, pistol or revolver that is designed to or that may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.

Course and scope of service: A.R.S. § 22-131(A): "Constables shall attend the courts of justices of the peace within their precincts when required, and within their counties execute, serve and return all processes and notices directed or delivered to them by a justice of the peace of the county or by competent authority..."

Carrying: The term "carrying" includes possession or access to a firearm by the constable or deputy constable.

Public establishment: A.R.S. § 13-3102(K)(1): is "a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state."

AzPOST Certification: A.R.S. § 41-1821 establishes the Arizona Peace Officers Standards and Training Board and sets forth the requirements of peace officer certification stated in A.R.S. § 41-1822(A)(3).

Use of weapon: Includes drawing, brandishing, un-holstering, displaying or discharging lethal or defensive non-lethal weapons for other than training, cleaning, maintenance or proper storage.

D. AUTHORITY

Arizona Attorney General Opinion I01-011 (R00-53): "A State agency may establish rules or policies prohibiting its employees from possessing a weapon while on duty, and such rules or policies could apply to an employee who has a concealed weapons permit."

A.R.S. § 41-1823(B): "...no person may exercise the authority or perform the duties of a peace officer unless he is certified by the board [AzPOST] pursuant to section 41-1822, subsection A, paragraph 3."

Maricopa County Administrative Policy A2228: Prohibition of Weapons: "Deadly weapons are prohibited on any county owned/leased property or at a county sponsored event."

Superior Court Administrative Order 96-047(D): "No persons will be permitted within any Superior Court Building with any type of weapon."

A.R.S. § 13-3108(C)(4): Maricopa County may regulate its independent contractors and employees by prohibiting weapons in the course and scope of their employment or contract.

A.R.S. § 13-3102(A)(10): The county, as the "operator of an establishment," is authorized to request removal of a weapon or surrender of the weapon for safekeeping.

E. APPLICATION OF POLICY

Constables Safety Training Program

Purpose:

This policy is intended for personal safety of constables in the performance of their duties by making available to them three levels of training. Level I Safety Training will be made available to all constables. Constables who successfully complete and maintain Level I and II training may carry certain defensive (non-lethal) weapons during the performance of their duties and in course and scope of service. Constables who successfully complete and maintain Level I and III Safety Training may carry a firearm during the performance of their duties and in course and scope of service.

1. Minimum Qualifications

Level I Safety Training: There are no prerequisites and all constables will be encouraged to obtain this level of safety training.

Level II Safety Training: Constable must have successfully completed Level I training and shall have read the Code of Ethics (subsection c) and affirmed by signature the constable's understanding and agreement to abide by the Code prior to entering Level II training.

Level III Safety Training: Constable must have successfully completed Level I training before being considered for Level III training.

- a) Prior to attending Level III training, candidates shall meet the following minimum requirements.
 - 1. The constable shall have undergone a complete background investigation, which meets the standards of subsection b). The background investigation shall attest to the fact that the constable meets minimum standards, has not engaged in conduct or a pattern of conduct that would jeopardize public trust in the position of constables, and is of good moral character.
 - 2. The constable shall not have been convicted of a felony or any offense that would be a felony if committed in Arizona.
 - 3. The constable shall not have been convicted of any offense involving dishonesty, unlawful sexual conduct, physical violence or domestic violence.
 - 4. The constable does not suffer from mental illness and has not been adjudicated mentally incompetent or committed to a mental institution.
 - 5. The constable shall not have been denied a permit to carry a concealed weapon or had a permit revoked by the State of Arizona.
 - 6. The constable is not under court order (i.e., order of protection, harassment, etc.) or has active warrants or wants.
 - 7. The constable shall have undergone and passed an approved drug screening test.

**FORMAL SESSION
October 31, 2007**

8. The constable shall have read the Code of Ethics (subsection c) and affirmed by signature his/her understanding and agreement to abide by the Code, if not completed under Level II training.
- b) Constables requesting to attend Level III training shall complete and submit to Maricopa County Sheriff's Office (MCSO) a background questionnaire to initiate a background investigation. The questionnaire shall address issues to aid in determining whether the constable is eligible for Level III training. MCSO shall determine, based on their organization's established standards, whether the constable: "Meets Standards" or "Does Not Meet Standards". All information in questionnaire will be retained by MCSO. The background questionnaire shall include the following:
1. Proof of United States citizenship. Copy of a birth certificate, United States passport or United States naturalization papers shall be acceptable proof.
 2. Proof of education. Copy of a diploma, certificate or transcript shall be acceptable proof.
 3. Record of any military discharge. A copy of the Military Service Record Form (DD 214) shall be acceptable proof.
 4. Department of Transportation driving record.
 5. Personal reference and previous employer inquiries.
 6. Law enforcement agency records. Law enforcement agency records in jurisdictions where the applicant has lived or worked in the past five years shall be checked and reviewed.
 7. Federal Bureau of Investigation and Department of Public Safety records. The applicant shall have undergone a fingerprint check with these departments.
 8. National and Arizona Criminal Information Center checks.
 9. Psychological fitness assessment conducted by a psychologist or psychiatrist designated by MCSO.
- c) Code of Ethics: The people of the State of Arizona and Maricopa County have conferred upon constables specific authority and responsibility within applicable statutes. Because of this trust and confidence, constables are expected to personally make the following commitment:
- "I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and applicable policies of Maricopa County, and be loyal to the State of Arizona, my office and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty."
 - "I will never take selfish advantage of my position and will not allow my personal feelings, animosities or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, without favor, malice or ill will, and without compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held

**FORMAL SESSION
October 31, 2007**

so long as I am true to the law and serve the people of Maricopa County."

2. Training Requirements:

Level I Safety Training. All Constables will be encouraged to obtain Level I Safety Training.

1.	Law & Legal	16 hours
2.	Emergency First Care	8 hours
3.	CPR	8 hours
4.	Basic Traffic	8 hours
5.	Defensive Tactics I & II	12 hours
6.	<u>Defensive Driving I</u>	<u>4 hours</u>
	Level I Total	56 hours

Level II Safety Training (optional). Constables may carry certain non-lethal defensive weapons (oleoresin capicum spray (OC) or police batons) in the performance of their duty and in course and scope of service only after successfully completing Level I training and the following:

1.	Chemical Agents	4 hours
2.	<u>Baton Training</u>	<u>16 hours</u>
	Level II Total	20 hours

Level III Safety Training. Constables may carry a firearm in the performance of their duties and in course and scope of service only after successfully completing Level I training and the following:

1.	Basic Firearms	60 hours
2.	Weapons Retention	12 hours
3.	<u>F.A.T.S.</u>	<u>4 hours</u>
	Level III Total	76 hours

- a) All courses in Level I, II and III will be provided by the MCSO. Course and hour requirements may be amended by MCSO as necessary. Constables will be scheduled to attend classes based on space availability within the existing schedule established by MCSO for their own training needs. Cost not covered by MCSO will be for rounds of ammunition, OC spray and drug testing.
- b) Requirement waiver: Specific training requirements may be waived upon review and approval by MCSO:
 - An application is submitted to the MCSO on a form prescribed by MCSO. Written verification of previous experience and training must accompany the application.
 - The constable successfully completes a comprehensive examination measuring comprehension of the basic course. The examination shall be approved by MCSO and include a written test and practical demonstrations of proficiency in firearms, defensive driving, first aid, and defensive tactics.
- c) Continuing training required: All constables who have successfully completed Levels II or III shall be required to successfully complete eight hours of proficiency training that meets AzPOST requirements every three years beginning with the date they receive initial training. Constables who have completed Level I training will be encouraged to receive this refresher training.

**FORMAL SESSION
October 31, 2007**

The curriculum in this proficiency training shall cover one or a combination of the following topic areas:

- Defensive Tactics
- Defensive Driving
- Firearms Safety (not firearms re-certification)
- Emergency First Care
- CPR

(Continued training can be applied toward constables statutory training requirements in A.R.S. 22-131(B))

- d) Re-qualification requirements for Level II: A constable who has successfully completed Level II training and who carries a non-lethal defensive weapon in performance of duties and in course and scope of service shall successfully complete a refresher course every three years following the receipt of initial training.
- e) Re-qualification requirements for Level III: A constable with Level III training and who carries a firearm in performance of duties and in course and scope of service shall re-qualify each calendar year through MCSO beginning the year following the receipt of initial training.
- f) Documenting training: Constables who successfully complete any level of the Safety Training Program will receive a certificate of completion from the MCSO and are responsible for reporting all training per A.R.S 22-131(B): "Copies of certificates of completion of the constable training shall be forwarded to the Clerk of the Justice Court and the Clerk of the Board of Supervisors within thirty days after completion."
- g) Failure to complete or pass Constable Safety Training: Constables who fail to successfully complete or pass Level II training shall not carry certain non-lethal defensive weapons in the performance of duties and in course and scope of service. Constables who fail to successfully complete or pass Level III training shall not carry a firearm while in the performance of duties and in course and scope of service.

3. Approved Lethal and Non-Lethal Defensive Weapons and associated hardware.

- a) Constables who have successfully completed Level II or III training will comply with all applicable sections of MCSO Authorized Weapons Policy.
- b) Constables who have successfully completed Level II or III training will utilize only lethal and non-lethal defensive weapons that are approved in MCSO Authorized Weapons Policy. Constables will be responsible for keeping firearms maintained in a factory condition and subject to inspection by the MCSO. Purchase, maintenance and repair of a firearm will be the responsibility of the constable and will not be reimbursed by Maricopa County.

4. Grounds for Denial, Revocation, Suspension and Cancellation

- a) The following constitute grounds for denial, revocation, suspension or cancellation, as determined by MCSO, Maricopa County Board of Supervisors or County Administrative Officer.
 - 1) Willful falsification of information to obtain Level III training, or failure to meet minimum requirements prior to obtaining Level III training;
 - 2) MCSO background investigation of the constable determines "does not meet standards" prior to receipt of training;

- 3) Failure to maintain Level III minimum qualifications after completion of training;
 - 4) A physical or mental disability which substantially impairs the constable's ability to responsibly carry a firearm;
 - 5) A violation of a state law or applicable county policies related to constable duties and responsibilities;
 - 6) Addiction to or the unlawful use of narcotics or drugs;
 - 7) Unauthorized use of or being under the influence of spirituous liquor on duty, or excessive use of spirituous liquor which would tend to discredit the office of constable;
 - 8) The commission of a felony, or an offense which would be a felony if committed in this state;
 - 9) The commission of any offense involving dishonesty, unlawful sexual conduct, physical violence or domestic violence;
 - 10) Violation of A.R.S. § 13-3112, concealed weapons permit, or statutes governing firearms, lethal and non-lethal weapons;
 - 11) Malfeasance, misfeasance or nonfeasance in office;
 - 12) Any other conduct or pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust in the office of constable, to be determined by the Maricopa County Board of Supervisors;
 - 13) Discharge of a firearm by a constable in violation of any municipal, county or state law, regulation or policy;
 - 14) Drawing of a firearm or use of non-lethal defensive weapon in violation of any municipal, county or state law, regulation or policy;
 - 15) Failure to comply with Reporting Responsibilities in section 5;
 - 16) Failure to satisfy the requirements of Level III training will result in suspension. This suspension shall remain in effect until the requirements are met and permission shall be reinstated upon notice by MCSO of their satisfaction.
- b) Upon receipt of information that grounds exist for denial, cancellation, suspension, or revocation, MCSO, Maricopa County Board of Supervisors or the County Administrative Officer shall determine the action to be taken. These agencies may conduct additional inquiries or investigations in making this determination. The affected constable shall be notified of a decision. The notice shall be delivered by certified mail or personal delivery and specify the cause for the action. Within ten days of delivery, the constable named in the notice shall advise the notifying agency or their staff in writing of any additional information pertinent to the action.

5. Reporting Responsibility

Whether or not a constable is AzPOST certified as a peace officer, when involved in a situation where police action is necessary, they should contact the local police or sheriff's dispatch. In the event that the constable is forced to take defensive action to protect their personal safety prior to response by local police or sheriff's deputy, they are required to complete a written incident report.

- a) Level I: Any incident where constable felt their personal safety at risk. Incident report must be forwarded to Constables Administration within 48 hours. Incident reports will be maintained on file and used to document constable actions.

- b) Level II: Any incident involving the use of non-lethal defensive weapon (OC spray, police baton):
 - The constable must notify local law enforcement.
 - Incident report with any available supporting documents (police/medical treatment report) must be forwarded to Constable Administration within forty-eight hours. Copy of report will be forwarded to County Risk Management.
- c) Level III: Any incident involving the use, or allegation of use, of a firearm.
 - Local law enforcement must be notified immediately by the constable.
 - Incident report with any supporting documents must be submitted to MCSO and Constables Administration within twenty-four hours. Copy of report will be forwarded to Risk Management.
 - MCSO will conduct independent investigation of any incident involving use, or allegation of use, of a firearm by a constable. The results of the investigation may be independent of any other law enforcement agency and can be used to determine whether the constable may continue to carry a firearm in the performance of duty and in course and scope of service.

6. Violation of Policy

Violation of this policy by any constable or deputy constable shall result in appropriate action including, but not limited to, the following potential consequences:

- a) Referred to law enforcement agency for weapons misconduct (A.R.S. § 13-3102(A)(10)), or violation of other law;
- b) Written report to the Constable Ethics Committee (A.R.S. § 22-136);
- c) Sanctions by the Board of Supervisors and/or County Administration;
- d) Written report to the Presiding Judge of the Superior Court in the county (A.R.S. § 22-131(A));
- e) Risk of personal liability for consequences resulting from use of a firearm contrary to Maricopa County policy.

7. Deputy Constable Minimum Requirements

As stated in A.R.S. 22-131. "Constables: powers and duties C. Constables, with the consent of and at salaries fixed by the board of supervisors, may appoint deputies, stenographers, clerks and assistants necessary to conduct the affairs of their offices. The appointments shall be in writing and filed in the office of the county recorder.

Deputy Constables assist the Constable or assume the full responsibility of the Constable in his or her absence. As such, he or she has all roles and responsibilities of the Constable for whom he or she is working. Applying A.R.S. 38-462, a Deputy Constable possesses the powers and may perform the duties allowed by law for the office of Constable.

The minimum qualification for the position of Deputy Constable shall be 21 years of age, possess a high school diploma and must hold a current certification as a police officer from the Arizona Police Officer Standards and Training Board at the time of appointment.

County Attorney

**FORMAL SESSION
October 31, 2007**

8. GRANT FUNDS FOR THE PROJECT SAFE NEIGHBORHOOD ANTI-GANG PROSECUTION PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve receipt of Federal grant funds from an agreement with the Arizona Criminal Justice Commission (ACJC) for the FY 2007-2008 Project Safe Neighborhood Anti-Gang Prosecution Program in the amount of \$84,969. These grant funds are provided to enhance efforts to prosecute gang offenders. This grant agreement, ACJC number PSNA-08-1010, will commence on July 1, 2007, and will terminate on September 30, 2008. The grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The non-recoverable indirect cost of administering this grant is \$11,725.72.

Also, authorize revenue and expenditure appropriation increase adjustments for the County Attorney (190) grant fund (219) in the amount of \$84,969. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1908027300)

9. FUNDS FROM THE STATE OF ARIZONA TO ENFORCE IMMIGRATION RELATED MATTERS

Item: Pursuant to House Bill 2779, the "Legal Arizona Workers Act," approve the receipt of \$1,430,000 from the State of Arizona to the Maricopa County Attorney's Office for the purpose of enforcing immigration related matters and the provisions of A.R.S. §23-212. This funding was effective September 19, 2007, and is exempt from the provisions of A.R.S. §35-190, relating to lapsing of appropriations. The guidelines concerning the recovery of indirect costs do not apply to these monies.

Also approve a FY 2007-08 revenue and expenditure appropriation increase of \$1,430,000 to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned funds. Aid from the State is not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1908028300)

Supervisor Wilcox felt there was a conflict in accepting these funds before the constitutional challenge to HB 2779 is heard in a federal court case on November 14, 2007. She said the judge has promised his decision prior to Thanksgiving.

Supervisor Wilson commented that he would be interested in listening to the differing opinions on this matter, adding that he would not favor the Board's being in a position of "not enforcing our laws." Supervisors Wilson and Kunasek both commented on the inappropriateness of government not acting according to statute just because there is a court challenge or a threat of legal action, adding that governments could not get much done for the majority if they reacted to threats of a few with inaction. Supervisor Kunasek felt that waiting could also invite the filing of irresponsible legal actions by obstructionists.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

Bruce White, Deputy County Attorney, presented his research on this matter. He clarified that the law under discussion contained a number of provisions including an enforcement provision, "which is the provision being challenged in the federal court case alluded to by Supervisor Wilcox." Mr. White said that a different section of the law, Section 8, provided an appropriation of \$2,430,000 to the Arizona Department of Administration with the instruction to allocate and distribute those monies to the State's county attorneys. The funding to Maricopa County would be \$1,430,000, and it is not a grant the County applied for but an appropriation to the County Attorney's Offices by the Legislature. He said these monies are to be used to enforce any immigration related matter. He added, "this appropriation moves forward whether or not the Board takes any action today." He clarified the fact that today's action simply directs the placement of the appropriation to the proper County budget fund.

Chairman Brock addressed those requesting to speak on this topic and asked them to keep their remarks within the time limit set by the Board. Speaker slips were filed by Salvador Reza, Tupac Enrique, Manuel Hernandez and Irene Chavez, all were in opposition to approval of this item.

Salvador Reza read from a KTAR radio news item on Sheriff Joe Arpaio's autocracy as an elected official of the County, and he also submitted an audio and visual CD of a demonstration held at Pruitt's Furniture last Saturday and asked the Supervisors to review it. Mr. Reza felt that the dangerous tactics implemented by law enforcement officers on the streets should be seen by the Board. Mr. Reza expressed his disagreement with the Sheriff's enforcement actions. He felt the Board should use strict budget allocations to regulate the sheriff's activities.

Manuel Hernandez, professor at ASU and resident of Tempe, expressed opposition to this appropriation and supported Supervisor Wilcox's suggestion to wait for the court's decision. He also spoke of the demonstration last Saturday that he characterized as having many police, immigration officers, SUV's, horses, police with cameras and binoculars, and only 10-15 demonstrators.

Tupac Enrique alluded to the basic human rights of all people, which he thought all should agree to honor, and asked if there were some in the room who feel "that we are not all peoples equally on this Mother Earth." He spoke of the racism he saw in the enforcement of immigration issues and questioned the manner in which these practices are being enforced, saying he sees a pattern of discrimination. Mr. Enrique referenced the American fight in World War II against racism in Europe.

Victoria Mangiapane intervened when the Chairman called Irene Chavez to the platform, saying that with regards to the current agenda item, #9, now being considered by the Board, the discussion had veered away from the content and intent of this item and these general comments would be better heard under public comment, later in the meeting. She reminded all that the Board is not at liberty to address matters that are not specifically on the agenda.

Irene Chavez, a resident of Fountain Hills, took issue with this item and asked that it not be approved, referencing a parade in Fountain Hills in which Sheriff Arpaio rode on top of an "armored car" with guards.

Supervisor Stapley said that Ms. Mangiapane had expressly warned about allowing this kind of deviation from the content of item #9 that is about a legislative appropriation to the offices of the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

state's attorney generals and does not mention Sheriff Arpaio. He asked that these remarks be held for the public comment portion of the meeting.

Ms. Chavez said her remarks did apply and would lead to the approval of the Sheriff's becoming an immigration enforcement officer and also trained his people to become that. She said that 400 people are in jail in Florence who violated a civil law, not a felony and not a misdemeanor. She said, "I would suggest that you not approve this – more monies going to the effort of immigration."

Chairman Brock closed comment on this item in order to proceed with the remainder of the agenda.

Motion was made by Supervisor Kunasek and seconded by Supervisor Stapley to approve receipt of the \$1,430,000 appropriation from the State of Arizona to the Maricopa County Attorney's Office.

Supervisor Wilson commented, "We get hired and we get fired by the voters. I think the Sheriff has done an outstanding job trying to enforce the laws and I certainly want to be one to help anybody in the State of Arizona and the United States to enforce the law." He indicated he would support the motion.

Supervisor Wilcox reiterated her concern that these monies are tied to HB 2779 that will be debated and could be overturned. She said her preference would be to hold this, "so that we don't have to pay any money back in case this bill is overturned." She indicated she would not support this item.

Supervisor Stapley said that the sanctions provision, which is the subject of the federal court challenge, "has nothing to do with the appropriation that we're approving today, which is going to the County Attorney." He indicated he would support the appropriation.

Motion to approve agenda item #9 as given above carried by a 4-1 majority vote with Supervisors Kunasek, Stapley, Wilson and Brock voting "aye" and Supervisor Wilcox voting "nay."

Sheriff

10. ACCEPT ADDITIONAL REIMBURSEMENT FUNDING FROM THE BUREAU OF JUSTICE ASSISTANCE, STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve acceptance of \$224,625 in additional FY 2006 reimbursement funding from the Bureau of Justice Assistance, State Criminal Alien Assistance Program (SCAAP). The purpose of this grant program is to reimburse state and local government agencies a portion of the costs to incarcerate undocumented criminal aliens. The inmate costs calculation only includes staff whose primary responsibility is the care, custody, or supervision of persons detained (pre-trial detention) and incarcerated (convicted and sentenced) inmates. Since no other staff members are eligible, indirect costs are not-recoverable.

Also, pursuant to A.R.S. §42-17106(b), approve an increase in the revenue and expenditure authority in the amount of \$224,625 in Appropriated Fund Balance (480) Detention Fund (255) Reserved Contingency (4811) Detention Initiatives line. Grant revenues are not local revenues for

**FORMAL SESSION
October 31, 2007**

the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008501301)

11. ONE-TIME ADDITION TO FLEET OF AN IMPOUNDED VEHICLE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-time addition to fleet of an impounded vehicle under DV#2007-013278 DR#-6-34885 to be utilized by Inmate Laundry. The vehicle is a white 2000 Ford E150 Cargo Van with 74,500 miles and gas motor valued at \$7,875. The annual estimated operating cost is \$5,000. The vehicle will be used by Inmate Laundry in their daily operations. No vehicle replacement cost is associated with this vehicle since it is a one time addition to the County fleet and will automatically be removed from the Maricopa County Sheriff's Office fleet when its useful life has expired. (C5008024M00) (ADM3104)

12. TRADE OF AN AERO COMPUTER LE 3000 GPS MOVING MAP SYSTEM

Pursuant to Maricopa County Procurement Code, MC1-803, 3.D.3., motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the trade-in of an Aero Computer LE 3000 GPS moving map system, serial number RU104, valued at \$17,000 to allow the Sheriff's Office to receive credit toward the purchase of an upgraded Aero Computer LE 5000 for the Fox 1 helicopter. The contract vendor is Aero Products. The Maricopa County Procurement Code provides that surplus materials may be disposed of by trade-in with the approval of the Board. (C5008025M00) (ADM3104-001)

13. ACCEPT GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICY SERVICES, METH INITIATIVE GRANT PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve acceptance of \$449,999 in grant funds from the U.S. Department of Justice, Community Oriented Policy Services (COPS), Meth Initiative Grant Program. Approval to accept this grant will allow the Sheriff's Office to enhance the meth investigation activities and increase public awareness regarding methamphetamine usage in the community. The term of this award is September 1, 2007 through August 31, 2009. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated to be \$52,649.88. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. This grant award will be included in the Sheriff's office mid year grant reconciliation. (C5008533300)

**FORMAL SESSION
October 31, 2007**

COUNTY MANAGER

Office of the County Manager

14. ECONOMIC DEVELOPMENT CONTRACT WITH GREATER PHOENIX CHAMBER OF COMMERCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the FY 2007-08 Economic Development Contract with Greater Phoenix Chamber of Commerce in the amount of \$165,000. The Board approved funding for Economic Development contracts as line items in the FY 2007-08 final budget. As part of the Economic Development funding, Maricopa County will provide the Greater Phoenix Chamber of Commerce funding in the amount of \$165,000 to operate the Bid Source Program in order to assist existing businesses in Maricopa County to compete for and win government contracts. This is achieved by enrolling businesses into the program, matching possible contracts with local business competencies, and providing technical assistance that will help local businesses to successfully compete for available contracts. This contract contains performance goals and reporting requirements.

The Board is authorized to approve financial support up to \$1,500,000 annually from the General Fund for the purpose of economic development programs which are operated and maintained within the boundaries of Maricopa County for government agencies and non-profit organizations pursuant to A.R.S. §11-254 and related statutes. The term of this contract shall be effective from July 1, 2007 to June 30, 2008. (C2008029100)

DEPUTY COUNTY MANAGER

Employee Health Initiatives

15. WELLNESS-RELATED HEALTH INITIATIVES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve wellness-related health initiatives that promote healthier life styles for employees through wellness events at the worksite; and

Also approve and authorize incentives not to exceed \$100,000 per fiscal year for wellness events at the worksite.

By offering a wide variety of wellness opportunities to support building a Well Workplace, employees may become motivated to participate in wellness programs and activities. (C3507025M00) (ADM3350)

Office of Enterprise Technology

16. PURCHASE OF EQUIPMENT, SOFTWARE, AND STAFFING FOR UPGRADE OF THE CURRENT COMPUTER ASSISTED MASS APPRAISAL

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the purchase of equipment and software, staffing including a Business

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

Analyst, IT Architect and Sr. Programmer Analyst, professional installation services and training with an annual expenditure amount not to exceed \$1,945,596 for the Assessor's Office and the Office of Enterprise Technology to collaboratively upgrade the current Computer Assisted Mass Appraisal (CAMA) system beginning in FY 2007-08.

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$2,095,650 from FY 2007-08 Appropriated Fund Balance (480) General Fund (100) Technology Reserve (4811) to the existing line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) entitled "Assessor CAMA". This will fund one-time costs over a three year period.

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$434,648 from FY 2007-08 Non-Departmental (470) General Fund (100) Technology Reserve (4711) to the Office of Enterprise Technology (410) General Fund (100). This action will fund three (3) FTEs as well as associated supplies to support the system.

Also, direct the Office of Management and Budget to reserve \$1,076,357 in a new line item in Non-Departmental (470) General Fund (100) Other Programs (4712) entitled "Assessor CAMA" for on-going fluctuations in the recurring costs that will need to be budgeted in the Office of Enterprise Technology's budget and updated each fiscal year during the budget process through FY 2012. This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) General Fund (100) Technology Reserve (4711) in the amount of \$1,076,357 and Increasing the FY 2007-08 Non-Departmental (470) General Fund (100) Other Programs (4712) "Assessor CAMA" in the amount of \$1,076,357.

These adjustments will result in a net impact of zero to the County budget. (C4108002000) (ADM300-003) (ADM2700-003)

Public Health

17. ACCEPT FUNDS FOR DISEASE CONTROL AND PREVENTION PROGRAMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of additional grant funds to the Cooperative Agreement Contract (5U50PS923258-05) between the United States Department of Health and Human Services (USHHS) Centers for Disease Control and Prevention and the Maricopa County Department of Public Health, HIV Prevention Program to provide viral hepatitis education and training. This amendment provides additional funds to the HIV Prevention Program in the amount of \$137,509 for the budget period September 30, 2007 through September 29, 2008. This is the final budget period for this five year grant.

The Department of Public Health's indirect rate for FY 2007-08 is 18.0%. This grant's indirect rate is 10%. The full indirect costs are estimated at \$20,976, of which \$12,501 is recoverable and \$10,001 is unrecoverable.

Also approve a revenue and expenditure appropriation adjustment to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$34,377 for FY 2008-09. The appropriation adjustment is not necessary for FY 2007-08 because these funds were included in the FY 2007-08 adopted budget. Grant revenues are not local

**FORMAL SESSION
October 31, 2007**

revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by a grant from USHHS and will not impact the County general fund budget. (C8604056204)

18. AMENDMENT TO CONTRACT WITH ARIZONA PARTNERSHIP FOR IMMUNIZATION TO TRAIN PARAMEDICS AND PUBLIC/PRIVATE SECTOR VOLUNTEERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the Contract for Services (C86070531) with the Arizona Partnership for Immunization (TAPI) and Maricopa County by and through its Department of Public Health to train paramedics and public/private sector volunteers to administer vaccinations in the event of an outbreak of a vaccine preventable illness. The purpose of this amendment is to exercise the option per Section I, 24, Right to Extend Contract, to extend the contract for an additional year and will be valid from September 1, 2007 through August 31, 2008. The purpose of this amendment is to allow TAPI to expend the remaining funds allotted in the original contract; the total dollar amount of the original contract remains unchanged. All other terms and conditions of the contract remain in full force and effect. TAPI is a prior designated subcontractor as defined by MC1-102.C of the Maricopa County Procurement Code. (C8607053101)

19. AMENDMENT TO IGA FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 2 to Intergovernmental Agreement (IGA) No. C86074082 with the Littleton Elementary School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Littleton Elementary School District in the amount of \$6,500 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607408202)

20. AGREEMENT FOR CLINICAL TRAINING EXPERIENCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Affiliation Agreement entitled "Statement of Affiliation" between the University of North Dakota (UND) School of Medicine and Health Sciences and the Department of Public Health to provide clinical training experience for UND medical students at the Department of Public Health Healthcare for the Homeless program. The agreement is non-financial and is effective July 1, 2007, and continues until terminated by either party as provided for in sections 4.M and 7.C of the agreement. (C8608035000)

**FORMAL SESSION
October 31, 2007**

21. IGA FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) No. C86084002 with the Maricopa County Department of Public Health and the Maricopa County Community College District to provide school-based tobacco use prevention and education services. This agreement is effective upon execution by both parties. This agreement provides funds to the Maricopa County Community College District in the amount of \$25,900 for the budget period of August 27, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8608400200)

ASSISTANT COUNTY MANAGER - COMMUNITY SERVICES

Human Services

22. AMENDMENT TO LEASE WITH FIRST EVANGELICAL LUTHERAN CHURCH

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute Amendment No. 3 to Lease No. L7325 with First Evangelical Lutheran Church of Mesa, Arizona, an Arizona corporation, Lessor, C2203103402. Lessor and Lessee now mutually desire to amend the lease to increase the fire inspection fee to \$450. Also, extend the term of the lease to October 2, 2009, and increase the monthly utility fee to \$937 for a total annual utility fee of \$11,244. The effective date of this amendment is the date of execution by the Board. All other terms and conditions of the original agreement remain the same and in full force and effect. This agreement contains a 90-day termination clause and does not include any county general funds. By approving this amendment, the Head Start program strengthens a collaborative partnership and maintains resources to enhance the personal development of young children in Maricopa County so each child served has the foundational skills to be successful in school. (C2203103404)

23. ADMINISTRATIVE CORRECTION TO CONTRACT WITH ARIZONA CALL-A-TEEN YOUTH RESOURCES, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an administrative correction to contract C22070731, between Arizona Call-A-Teen Youth Resources, Inc. and Maricopa County Human Services Department (HSD) approved by the Board on July 25, 2007. This correction changes the contract value (dollar amount) from \$936,299 to \$936,427. All other terms and conditions of this contract shall remain unchanged. (C2207073105)

24. AMENDMENT TO CONTRACT WITH CATHOLIC CHARITIES COMMUNITY SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Contract C22080641, between Catholic Charities Community Services, an approved Delegate Agency, and Maricopa County Human Services Department, to provide a 1.5% Cost of Living funding increase to the Head Start and Early Head Start employees of Catholic Charities, in the amount of \$103,879. Funding for this contract is provided by the U.S. Department of Health and Human Services (DHHS). This contract does not

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

include any County general funds. This amendment is effective upon Board approval. (C2208064101)

25. AMENDMENT TO CONTRACT WITH FOUNDATION FOR SENIOR LIVING HOME IMPROVEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Contract C22080891, between FSL Home Improvements, an affiliate corporation of the Foundation for Senior Living and Maricopa County Human Services Department, for the funding change in the amount of \$77,019. This amendment is effective upon the signature by the Chairman and will expire on June 30, 2008. (C2208089101)

Parks and Recreation

26. IGA WITH THE TOWN OF CAVE CREEK FOR THE MARICOPA TRAIL PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the Town of Cave Creek and Maricopa County, through its Parks and Recreation Department. This IGA will allow the Town to provide support for the Maricopa Trail segments that were approved by the County on August 16, 2004, and which are part of the Town's Trail Plan contained within the General Plan, and will provide off-street non-motorized multi-use paths through the Town of Cave Creek between Cave Creek Regional Park and Spur Cross Ranch Conservation Area. Funding for construction of these segments is approved in the FY 2007-08 General Fund County Improvement Fund (445) Maricopa Regional Trail System (MRTS) adopted budget and will not exceed \$250,000. This agreement shall be effective upon Board execution and shall expire 10 years thereafter. (C3008011200)

CHIEF FINANCIAL OFFICER

Finance

27. FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Materials Management

28. SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

06142-RFP GDACS – Geospatial Adjustment Project (\$1,800,000 estimate/one year with one one-year renewal option) Contract for the adjustment of existing GIS features to the County's Geodetic Densification and Cadastral Survey as requested by the Assessor's Office.

- Smart Data Strategies

07035-RFP Maximo Software Maintenance and Support (\$1,000,000 estimate/three years with three one-year renewal options) Contract to provide Maximo/Dolphin Software Maintenance and Support as requested by the Facilities Management Department for inventory control/management purposes.

- ISG Global

Renewals/Extensions:

Renewal/extension of the following contracts: (These are with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until October 31, 2008

05115-S Information Technology Consultants (\$2,000,000 estimate/one year) Price agreement renewal for IT consultants to be used by various County departments based on individual budgetary authorizations and requirements.

Amba Solutions, Inc.
Analysts International
Atomic Medium, Inc.

Added 05/24/07

Blue Line Planning Inc.
Bluecrane, Inc.
Candia Systems Assoc Inc.
CedarCrestone Inc.
Comforce Technical Services
Coolsoft LLC
Coplan And Company
Crew Providers, Inc.
Cybernology, Inc.
Data Pacific Corporation
Data Site Consortium, Inc.
David Ford Consulting
Engineer
Desert Sky Software, Inc.
DevCare Solutions

Enterprise Data Consulting
LLC
Enterprise Technology
Services
GillTek Systems International,
Inc.
Gistic Research, Inc.
Gould Intelligent LLC
Harbor Consulting Group, Inc.
Indusa Technical Corporation
Insight Public Sector, Inc.
Int Technologies LLC
Integrum Technologies LLC
IT Partners
Jr2 Solutions
KDM Technology Consulting,
Kinetik I.T.
KnowledgeBase Consulting
KVL Consultants, Inc
Law-On-Line

Pragmatica LLC
Premier Technical Resources
RB Balch Computer
Consultants
S2 Business Solutions, Inc
SanTrac Technologies Inc

Added 10/26/06

Sentinel Technologies Inc
Stilwell Software, Inc
Systems Technology Group,
Inc
TeamPersona
Tech One Staffing
Technology Staffing Solutions
TEKsystems
Telecom Resources
International I
TL Solutions LLC
Torus Business Group

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

E-Consulting, Inc.
eCorridor, Inc.
EDI
Engineering Mapping
Solutions

Management Decisions, Inc
Matrix Resources
MSS Technologies Inc
MTG Management
Consultants
Opal Soft Inc.
Paradigm Solutions LLC

Training To You Inc
TriYoung Business Solutions
University Of Mississippi
NCCHE
Vault Digital LLC

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Air Quality Department

29. AMENDMENT TO THE GOVERNMENTAL SERVICES CONTRACT (GSC) MAG AGREEMENT 262

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 3 to the Governmental Services Contract (GSC) MAG Agreement 262 between Maricopa County and the Maricopa Association of Governments (MAG) to approve a revised scope of services, schedule, and budget and extend the contract period through September 30, 2008.

Also approve acceptance of \$910,000 in grant funds from MAG to provide funding to Maricopa County for the Maricopa County Trip Reduction Program (TRP). The award period is from October 1, 2007 through September 30, 2008. All indirect costs are allowable and fully recoverable. The Department's current authorized indirect cost rate is 17.00% and will be applied, and the total estimated indirect costs are \$74,102.56. This grant is a reimbursement grant and no matching funds are required. The original grant was approved under C85060092 on November 2, 2005 (C8507008300). Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8507008301)

Facilities Management

30. MAJOR MAINTENANCE BUDGET ADJUSTMENTS FOR COMPLETION OF THE PUP TENTS RESTROOM BUILDING

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following FY 2007-08 Major Maintenance Program expenditure budget adjustments in Year 1, Appropriated Fund Balance (480), Detention Fund (255):

- Increase the Pup Tents (PUPT) project by \$504,545.
- Decrease the Towers Jail Improvements (TIJU) project by \$504,545.

The adjustments have a net zero impact on the overall County budget. (C7008026800) (ADM800-003)

**FORMAL SESSION
October 31, 2007**

Planning and Development

31. SOLE SOURCE CONTRACT FOR PURCHASE OF SOFTWARE UPGRADES ENHANCEMENTS AND IMPLEMENTATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a sole source contract with Avolve Software Corporation for the purchase of software upgrades/enhancements and implementation services on the ProjectDox application. This upgrade will allow Planning & Development to ensure fail-over, load balancing, and automate steps that are now being performed manually. Included in this contract price are the initial software licensing and professional services for software enhancement totaling \$196,800.

Also, as per A.R.S. §42-1706(b), approve the transfer of authority expenditure from Non-Department (470) Non-Department Grants Fund (249) Expenditure Authority Reserve (4711) Line Item entitled "P&D Accella Automation" to the Planning & Development Department (440) Planning & Development Fees Fund (226). This action requires an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) expenditure budget by \$196,800 and increasing the FY 2007-08 Planning & Development (440) Planning & Development Fees Fund (226) expenditure budget by \$196,800.

Approval of this item will allow the Department to continue to streamline its Plan Review function. As Avolve Software, Inc. is the manufacturer of ProjectDox and maintains all source code and Intellectual Property rights, the County is not aware of any other vendors capable of providing these requirements. These adjustments will result in a net impact of zero to the County budget and allow Planning and Development to use fund balance for this purchase. (C4408003100)

Transportation

32. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

TT262.005
(DK)

Project No.: TT262 - Riggs Road & Power Road – Temporary Construction Easement and Agreement for Highway Purposes – Parcel No.: 304-89-001E (a portion of) – Harold L. Hutchinson and Jean O. Hutchinson - for the sum of \$750.00.

33. AMENDMENT TO IGA WITH THE CITY OF SURPRISE FOR DESIGN AND INSTALLATION OF A TRAFFIC SIGNAL

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to the intergovernmental agreement between the City of Surprise and Maricopa County for the design and installation of a traffic signal at the intersection of Peoria Road and Litchfield Road. The traffic signal installation has been completed. The

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

amendment provides for the transfer of the traffic signal from the County to the City. There are no financial expenditures or reimbursements involved. (C6405323201)

34. ADDITION OF PROJECTS AND CORRESPONDING EXPENDITURE BUDGETS TO THE FY 2008-2012 FIVE-YEAR TIP

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition of the following projects and corresponding expenditure budgets to the FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1 (FY 2007-08).

Project Number	Name	Amount
T157	Riggs Road at SR 347	\$13,000
T158	Lower Buckeye Road at 67th Avenue	\$88,000
T183	Old Stage Road: New River Road to Coyote Pass	\$4,500
T185	Dynamite Blvd: Cave Creek Road to 56th Street	\$40,500
T211	Olive Avenue at Litchfield Road	\$3,000
T218	SR303 at Waddell Road	\$69,500
T232	R.H. Johnson Blvd at Meeker	\$91,500

Also approve an amendment to the current FY 2008-2012 five-year TIP in the Department of Transportation (640) Transportation Capital Projects Fund (234) by **decreasing** the Year 1 (FY 2007-08) expenditure budget for the following projects:

Project Number	Name	Amount
T002	Project Reserve Account	\$306,000
T006	Unallocated Force Account	\$4,000

The requested adjustments result in a net budget impact of zero.

Transfer of funds between projects is necessary as Projects T157, T158, T211, T218 and T232 have final construction payments for work completed in FY 2006-07. Project T183 has an appraisal work requested for advanced right-of-way acquisition. Project T185 has design costs carried over from FY 2006-07. (C6408078800) (ADM2000-003)

35. AMENDMENT TO THE FY 2008-2012 FIVE-YEAR TRANSPORTATION IMPROVEMENT PROGRAM

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to the current FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1 (FY 2007-08) by decreasing the capital budgets for the following projects:

Project Number	Name	Amount
T002	Project Reserves Account	\$4,020,600
T006	Unallocated Force Account	\$165,500

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

And, adjusting the following projects by increasing the FY 2007-08 (Year 1) capital budget for:

Project Number	Name	Amount
T011	ROW In-Fill/Road Inventory System by	\$35,000
T062	Ellsworth Road: University-McLellan (District 2)	\$1,500
T098	Williams Field Road: Gilbert- Lindsay (District 1)	\$200,000
T103	El Mirage Road: Bell Beardsley (District 4)	\$105,000
T114	Chandler Heights Road at Sanoki Wash (District 1)	\$160,000
T154	Bell Road: SR303L Grand Avenue (ITS) (District 4)	\$100,000
T186	Indian School Road: Litchfield-Dysart (District 4)	\$500,000
T235	Union Hills Multi-Use Path (District 4)	\$310,000
T253	Rainbow Road Bridge at Buckeye Canal (District 4)	\$90,000
T260	Brown Road at Signal Butte Road (District 2)	\$40,000
T265	43rd Ave: Southern to Broadway (District 5)	\$2,440,000
T266	Traffic Signal Improvement 8 (District 5)	\$35,000
T267	Traffic Signal Improvement 9 (District 3)	\$25,000
T268	Traffic Signal Improvement 10 (District 4)	\$40,500
T271	Traffic Signal Improvement 13 (District 4)	\$33,100
T272	Traffic Signal Improvement 14 (District 5)	\$71,000

Also approve the name change of the following projects:

Project Number	Name
T266	Traffic Signal Improvement 8 to Baseline Road at 67th Avenue.
T267	Traffic Signal Improvement 9 to Carefree Highway at 7th Street.
T268	Traffic Signal Improvement 10 to Indian School Road at 111th Avenue.
T271	Traffic Signal Improvement 13 to MC 85 at Baseline Road.
T272	Traffic Signal Improvement 14 to 51st Avenue at Pecos Road.

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero.

Transfer of funds between projects is necessary as Project T265 was anticipated to be completed in FY 2006-07; Projects T098, T103 and T154 have design costs carried over from FY07; Projects T114, T186, T235, T253 and T260 have construction bids come in higher than programmed; Project T062 has a Central Arizona Project (CAP) payment after project completion; Project T011 has increased right-of-way costs; and Projects T266, T267, T268, T271 and T272 are traffic signal projects budgeted for labor only until identified as a project and more monies are needed to develop the design. (Supervisory Districts 1, 2, 3, 4 and 5) (C6408079800) (ADM2000-003)

36. IGA FOR IMPROVEMENTS TO AND OPERATIONS OF ELLIOT ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement between the City of Mesa, a municipal corporation and Maricopa County, acting through the Maricopa County Department of Transportation, for improvements to and operations of Elliot Road from 40 feet west of Signal Butte Road to 800 feet west of Signal Butte Road. This project will widen Elliot Road to include an

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

exclusive left turn lane in the eastbound direction at Signal Butte Road. This agreement shall be effective upon filing with the County Recorder. (Supervisory District 1) (C6408080200)

37. AGREEMENT FOR IMPROVEMENTS TO INTERSECTION AT RIGGS ROAD AND SOSSAMAN ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement between the Queen Creek Unified School District and Maricopa County, acting through the Maricopa County Department of Transportation, for improvements to the intersection at Riggs Road and Sossaman Road. This project is in coordination with an interrelated project between the County and the Town of Queen Creek identified under a separate agreement (T261). The purpose of this agreement is to identify and define the responsibilities of the County and the District for the roadway improvements at the intersection of Riggs Road and Sossaman Road.

Pursuant to A.R.S. §42-17106 (B), also approve an amendment to the current FY2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation Capital Projects Fund (234), Year 1 (FY 2007-08) by decreasing the capital budgets for

- Project T002, Project Reserves Account by \$225,000.
- Project T006, Unallocated Force Account by \$25,000.
-

And, adjusting the following project by increasing the FY 2007-08 (Year 1) capital budget for:

- T261, Riggs Road and Sossaman Road by \$250,000.

The requested adjustments result in a net budget impact of zero. This agreement shall be effective upon filing with the County Recorder. (C6408081200)

BOARD OF SUPERVISORS

Clerk of the Board

38. APPOINTMENTS/RESIGNATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

- a. **Mobile Gardens Domestic Water Improvement District Board of Directors** – Pursuant to A.R.S. §48-1012, appoint Don Christian and Lois Fisher, whose terms are effective as of the date of Board approval until a successor is elected and qualifies. Both appointee seats are next scheduled for election on the eighth Tuesday before the first Tuesday after the first Monday in November of 2008. (C0608033900) (ADM4302)
- b. **Town of Guadalupe to the Community Development Advisory Committee** – Accept the resignation of Bernadette Jimenez and appoint Council Member Yolanda Solarez as the primary representative. Councilmember Solarez serves as an alternate member and will now be the primary.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

Also approve the appointment of Vice Mayor Francisco Montiel as the alternate for the Town of Guadalupe. The term of the appointments will be effective as of the date of Board approval through June 30, 2008. (C0608035900) (ADM1501-001)

- c. **Phoenix EMA Ryan White Planning Council** – Appoint Dan Lindell as an Institutional Member (Apothecary Shop Pharmacy), for a three year term from November 1, 2007 through October 31, 2010. (C2008031000) (ADM2153-001)

39. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003) Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

No vouchers and/or warrants were submitted for approval at this meeting. No update was given to the Board at this meeting.

SETTING OF HEARINGS

All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted.

Transportation

40. ROAD FILE DECLARATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, December 5, 2007.

- a. **Road File No. (5373).** In the vicinity of Hastings Way and Meridian Drive (Anthem Unit 49). (C6408073000)
- b. **Road File No. (5372).** In the vicinity of Hastings Way and Meridian Drive (Anthem Unit 45). (C6408074000)
- c. **Road File No. (5371).** In the vicinity of Hastings Way and Meridian Drive (Anthem Unit 47). (C6408075000)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- d. **Road File No. (5370).** In the vicinity of Hastings Way and Meridian Drive (Anthem Unit 43). (C6408076000)
- e. **Road File No. (5369).** In the vicinity of Hastings Way and Meridian Drive (Anthem Unit 35). (C6408077000)

41. DEANNEXATIONS/ANNEXATIONS

Pursuant to A.R.S. §9-471.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m. Wednesday, November 14, 2007, regarding ordinances filed by the Town of Gilbert and the City of Chandler deannexing and annexing certain territory, described and verified as right-of-way only within their present corporate limits. The Town of Gilbert Ordinance No. 1925 authorized the deannexation and the City of Chandler Ordinance No. 3911 authorized the annexation of the same territory described as a portion of Queen Creek Road between Lindsay Road and the Eastern Canal, approximately 4.063 acres. (C0608036700) (ADM4206-001) (ADM4203-001)

CONSENT AGENDA

Clerk of the Board

42. ASRS CLAIMS

No request to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees was received for this meeting. (ADM3309-001)

43. APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Official Appointment of Gloria Jean Nichols as Deputy Recorder.

44. CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for this meeting. (ADM4300)

45. CLASSIFICATION CHANGES

No recommendation pursuant to A.R.S. §42-12054, was received from the Assessor for classification action at this meeting. (ADM723)

46. COMBINED CHARITABLE CAMPAIGN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the acceptance of cash, not-to-exceed \$6,500.00, and in-kind contributions generated for the 2007 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2007 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. Itemized listings of commitments and donations received are

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

on file in the Clerk of the Board's Office. Approve depositing these funds into the General Fund (100). (ADM3311-001)

47. DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and/or ratify issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Miklos Csaky	280008619	Payroll	\$961.09
Miklos Csaky	280007327	Payroll	\$800.60
Leslie Grinker	370060764	Expense	\$213.00

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Matt Cogan	Buckeye Elem SD #33	480016580	\$100.00
Virginia Ramirez	Madison Elem SD #38	38605916	\$150.55
Patrick Scott	Higley Unified SD #60	180024436	\$277.05
Gail Dunn	MC Regional SD #509	180029156	\$346.75
Heather Preston	Balsz SD #31	180001598	\$1,419.84

48. MARKET RANGES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (ADM3308-006)

Market Range Title	Minimum	Midpoint/ Hiring Maximum	Maximum
CAMA Modeler	\$89,252.80	\$109,772.00	\$130,291.20
Director – Diversity	\$91,457.60	\$117,769.60	\$144,081.60
Regression Modeler	\$51,313.60	\$65,665.60	\$80,017.60

49. MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held June 4, 2007, and July 26, 2007.

50. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

committeemen due to disqualification in accordance with lists dated October 31, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

51. SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Roll Resolutions. (ADM705)

YEAR	FROM	TO	AMOUNT
2004	16103	16103	-\$26.68
2005	19507	19525	-\$5,469.96
2006	13615	13673	\$32,792.34
2007	7	1452	-\$1,778,778.92
2007	75	2206	-\$613,528.22
2006	13627	13825	-\$86,012.76
2005	19544	19565	-\$1,211.46
2004	16109	16112	\$6.00

52. SETTLEMENT OF PROPERTY TAX CASES

No settlements for tax cases were presented for this meeting. (ADM704)

53. STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Viking Associates Inc.	\$1,301.95
------------------------	------------

54. TAX ABATEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

PARCEL NO.	YEAR	AMOUNT
124-34-171	1993	\$1,627.45
124-34-171	1994	\$79.46
124-34-171	1995	\$77.49
124-34-171	1996	\$70.53
124-34-171	1997	\$64.66
124-34-171	1998	\$61.64
124-34-171	1999	\$57.84
124-34-171	2000	\$52.18
124-34-171	2001	\$47.45
124-34-171	2002	\$43.14
124-34-171	2003	\$38.55
124-34-171	2004	\$33.52
124-34-171	2005	\$29.01
124-34-171	2006	\$103.77
124-34-171	2007	\$204.26

SUPPLEMENTAL AGENDA

Air Quality

S-1. SETTLEMENT OFFER FROM BRIARWOOD COUNTRY CLUB

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the proposed settlement offer of \$10,000 from Briarwood Country Club to resolve a violation of the Maricopa County Trip Reduction Ordinance as discussed in Executive Session on October 29, 2007; and further, to authorize the Chairman to execute all final settlement documents upon review and approval by counsel. (C8508006800) (ADM2356)

Facilities Management

S-2. PROGRAM MANAGEMENT SERVICES CONTRACT, WITH PARCOMM – CONTINUED

Item: Approve and award the program management services contract, in a form approved by the County Attorney, with PARCOMM, a subsidiary of Parsons Corporation of Phoenix, Arizona, Contract No. FMD-08-020, in an amount not-to-exceed \$5,000,000 effective August 17, 2007. This contract is to provide program management and related services for the Maricopa County Downtown Court Tower project (Project No. 3325-07-380). The Office of Management and Budget is deeply concerned with the state of the economy and how the County is not meeting its FY 2007-08 revenue projections for both State-shared Sales Tax and Vehicle License Tax. Therefore, it is this Office's recommendation that the Board of Supervisors consider the following with regards to General and Detention Funded Capital Improvement Projects:

- No new capital projects should be added to the program.
- No increases in budgets for current projects.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- Proceed with evaluation of regional courts with critical assumptions being examined and cost reductions being considered.
- Defer the Court Tower for several months until sales tax revenue trends are more certain. Again, project scopes should be evaluated and possibly reduced.
- Consider forming a citizen planning committee that could investigate the utilization of a bond for the non-cash portion of this project.
- Move forward with the contract with Durant, Inc, in association with SmithGroup in the amount of \$1,075,085, for architectural and related services for the Durango 911 & Crime Lab project, since it is funded with cash (Agenda #C7008025500).
- Postpone moving forward with the contract with PARCOMM in the amount of \$5,000,000, for program management services for the Downtown Court Tower project.

If this project proceeds and the Sales Tax Revenues do not recover significantly, the Operating budget will only be balanced through reductions-in-force and other harmful impacts to service delivery. (C7008024500)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item.

S-3. CONTRACT WITH DURRANT, INC FOR ARCHITECTURAL AND RELATED SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the execution of Contract No. FMD-08-009, with Durrant, Inc. of Phoenix, Arizona, in association with SmithGroup of Phoenix, Arizona, in the amount of \$1,075,085. This contract is to provide architectural and related services for the New Maricopa County Sheriff Building located at the Durango Campus in District 5. The Office of Management and Budget recommends approval of this contract with Durant, Inc, in association with SmithGroup, in the amount of \$1,075,085 for architectural and related services for the Durango 911 & Crime Lab project, since it is funded with cash. (C7008025500)

Materials Management

Solicitation Serial

S-4. CANCELLATION OF CONTRACT AMENDMENT

05041-ROQ Specialty Legal Services Providers-County Attorney: Per the request of the using department, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to cancel Amendment No. 1 to contract with Wilenchik & Bartness, P.C. This amendment permitted prosecuting attorneys recently retired from the Office of the County Attorney to perform criminal prosecution services at a discounted rate in consideration for being covered by the Restated Declaration of Trust for Maricopa County, Arizona Self-Insured Trust fund dated July 6, 2005. In addition the County Attorney provided all needed secretarial, legal assistant or other support staff required by these attorney(s) while performing criminal prosecutions on behalf of the County Attorney. This amendment is no longer required as all individual covered under this

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

agreement have either decided to discontinue offering their services or have been transitioned to County contract employee status. The remainder of the contract and any amendments remain valid and are unaffected by this action. This matter was discussed with the Board in Executive Session on October 29, 2007. (ADM3005)

Risk Management

S-5. WAIVER OF COSTS AWARDED IN EXCHANGE FOR DISMISSAL OF THE APPEAL BY PLAINTIFFS TERRY AND PEARL WILSON

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to waive costs awarded to the County in exchange for dismissal of the appeal by Plaintiffs Terry and Pearl Wilson, concerning US Federal District Court No. 2:04-cv-02873-PHX-DGC (Claim No.: GL5419030293). This matter was discussed with the Board in Executive Session on October 29, 2007. (C7508022100) (ADM409)

S-6. RELEASE OF CLAIMS IN THE MATTER OF MARICOPA COUNTY V. BLENDU

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign release of the County's claims against Mr. Hammond, Ms. Blendu, Ms. Pickens, and Geico in exchange for payment of the policy limits available, \$50,000. This matter was discussed with the Board in Executive Session on October 29, 2007. (C7508023800) (ADM409)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

55. PUBLIC COMMENT

Those registering for public comment regarding immigration issues included those wishing to speak, Angeles Maldonado, Martin J. Quezada, Salvador Reza, Sam Whitcomb, and Sara Myklebust; and those not wishing to speak, including Ayensa Millan, Carah Campini, Max Gonzales, Laura Ilardo, Vicky Chung and Chris Fleischman.

Angeles Maldonado, ASU student, spoke on the immigration demonstration held last Saturday charging excessive force and asking how much money was paid to Sheriff Arpaio for being at the demonstration instead of catching real criminals. She said this had made her feel like a criminal. She felt it was a waste of taxpayer money to fight immigration. She added that they would demonstrate again next Saturday. (ADM605)

Martin J. Quezada, ASU student, said an entire segment of the population is losing trust in the Sheriff's Office and in law enforcement. He agreed with Supervisor Wilcox's earlier comment on agenda item #9 to hold the vote while the legality of a related bill is under scrutiny in federal court.

Salvador Reza requested an itemized budget on how much money was spent on last Saturday's demonstration; and accounting of the overtime pay the Sheriff has been using persecuting corn vendors without the permission of the County Health Department under the guise of enforcing laws and then he deports them; how much money has he spend persecuting newspaper people because they criticized him publicly in print.

**FORMAL SESSION
October 31, 2007**

Those registering for public comment but not coming forward included: Ayensa Millan, Carah Campini, Sam Whitcomb, Max Gonzales, Laura Ilardol Vicky Chung, Sara Myklebust, Chris Fleischman.

Chief Hendershott, Sheriff's Office Chief Deputy, apologized that Sheriff Arpaio had to leave early for another meeting. Chief Hendershott commented on last Saturday's operation at Pruitt's. He said a number of off-duty deputies were hired by Pruitt's Furniture because crowd estimates given prior to the day were in excess of 3,000 demonstrators. Because of this high number, additional on-duty deputies were also dispatched by the Sheriff's Office to back-up the off-duty deputies hired by Pruitt's. He said only one arrest was made that day and this was of a protestor who was protesting on the other side of the issue and who had moved aggressively towards the protestors. He said the Sheriff's Office seriously disagrees with the charge of abuses that were made by deputies towards protestors.

56. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox said City of Phoenix Election Day is next Tuesday, November 6th and she hoped people would get out and vote. (ADM606)

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA

- 1. Z2007-099 District 4**
Applicant: Ron Dinardo for Arizona Development and Investment, LLC
Location: North of Old US 80 Highway and west of US Highway 85 (in the Buckeye area)
Request: Rezone from C-3 to Rural-43 (approximately 4.21 acres) – Raw Land Re-Zone

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2007-099. Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this consent item.

- 2. S2007-011 District 1**
Applicant: Donna Hancock
Location: Northeast corner of Riggs Road and E.J. Robson Boulevard (in the Sun Lakes area)
Request: Final Plat in the R1-6 RUPD zoning district for Sun Lakes Unit Twenty-Nine "A" (approximately 2.41 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

**FORMAL SESSION
October 31, 2007**

REGULAR AGENDA

3. DMP2006-008 District 5 – CONTINUED

Applicant: David Evans and Associates, Inc. for Colombia Properties

Location: Southeast corner of 395th Avenue and Maryland Avenue alignments (in the Tonopah area)

Request: Development Master Plan (DMP) (approximately 561 acres) – Tonopah 561

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of DMP2006-008, subject to stipulations “a” through “ee”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall comply with the Development Master Plan document entitled “Tonopah 561 Development Master Plan”, a bound document, dated May, 2007 and stamped received August 21, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Within 30 days of approval by the Board of Supervisors, a revised DMP narrative report document and land use plan shall be submitted for review and approval by the Planning and Development Department showing any revisions to the narrative report or land use plan that may be stipulated by the Planning and Zoning Commission and/or the Board of Supervisors.
- c. Changes to the Tonopah 561 Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Tonopah 561 Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- d. All stipulations of approval shall remain in effect in the event of a change in name of the Tonopah 561 Development Master Plan.
- e. The initial final plat for Tonopah 561 Development Master Plan shall be approved by the Board of Supervisors within five (5) years of approval of this development master plan. If the initial final plat has not been approved within this timeframe, this development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan. If revoked, all zoning and other entitlement changes approved that are associated with Tonopah 561 Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.

- f. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.
- g. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- h. The master developer shall be responsible for the construction of all public and private on-site roads within the Tonopah 561 Development Master Plan. Further, the Tonopah 561 homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and public facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- i. Landscaping of all common areas and open spaces, except for identified recreational areas, within Tonopah 561 shall consist of indigenous and near-native plant species of a xeriphytic nature.
- j. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three (3) years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- k. The Tonopah 561 Development Master Plan shall be developed sequentially as depicted on Table 6 – Proposed Phasing and on Exhibit 12 - Phasing Plan Map contained in the Tonopah 561 Development Master Plan narrative report.
- l. The total number of residential dwelling units for the Tonopah 561 Ranch Development Master Plan shall not exceed 3,036. To help ensure compliance, the cumulative number of dwelling units platted to date, in relation to the identified limit, shall be identified on all plats.
- m. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Tonopah 561 Development Master Plan every three years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.

- n. Until annexation or incorporation of the entire development master plan takes place, the master developer shall notify all future Tonopah 561 Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- o. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- p. Not less than 32 acres shall be reserved for Recreational Open Space (ROS) land use. The project shall have two (3) neighborhood park sites of various acreages in the general locations shown in Exhibit 1 – Land Use Plan in the narrative report. Further, not less than nine (9) mini parks a minimum of 0.5 acres each shall be provided in the general locations identified in Exhibit 1 – Land Use Plan and in Exhibit 19 – Concept Mini-Park Retention Locations in the narrative report. All parks shall include recreational amenities. In addition, not less than 16 acres of dedicated, non-developable open space (except for areas requiring bank protection) shall be provided in the general locations shown on the Land Use Plan for preservation of wash corridors in their natural state. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space and mini-parks shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.
- q. Not less than 19 acres shall be reserved for Mixed-Use land use as depicted on Exhibit 1 – Land Use Plan in the narrative. No more than 349 dwelling units shall be developed within the Mixed Use (parcels 13 and 15.) No less than 10 acres of the Mixed Use parcels shall be developed for commercial and office employment uses. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative residential, commercial and office land use acreage platted to date with respect to the requirements of this stipulation.
- r. Not less than 10 acres shall be reserved for Office land use in the general location of Parcel 12.
- s. Unless otherwise agreed to by the Saddle Mountain Unified School District, one (1) school site at a minimum of 15.52 acres shall be reserved for a school at the location identified on Exhibit 1 – Land Use Plan of the narrative.
- t. Prior to zone change approval, the master developer shall provide a “will serve” letter and a Certificate of Convenience and Necessity from the Water Utility of Greater Tonopah demonstrating commitment to serve the entire Tonopah 561 Development Master Plan with water service, which is subject to approval by the Maricopa County Department of Environmental Services.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- u. Prior to any zone change approval, the master developer shall provide a "will serve" letter from the Balterra Sewer Corporation demonstrating commitment to serve the entire Tonopah 561 Development Master Plan with wastewater service. The "will serve" letter shall demonstrate a willingness and capability to serve the entire Tonopah 561 DMP with wastewater service.
- v. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private fire service provider demonstrating commitment to serve the entire Tonopah 561 Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- w. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- x. The following Maricopa County Library District stipulation shall apply:
 - \$596.00 per residential unit shall be paid to the Maricopa County Library District by the master developer as each residential building permit is issued for the purposes of future library service and infrastructure needs.
- y. The following Maricopa County Parks and Recreation Department stipulations shall apply:
 - 1. Two hundred fifty dollars (\$250) per residential unit will be paid by the master developer as each residential building permit is issued, to a fund for the White Tank Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Tonopah 561 residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Tonopah 561 Development Master Plan with a one-year, seventy-five (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.

**FORMAL SESSION
October 31, 2007**

2. Two hundred fifty dollars (\$250) per residential unit shall be paid by the master developer as each residential building permit is issued, to a fund for the Maricopa Trail system for design, construction, enhancement, operation and maintenance. The County shall deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but are intended as supplemental and enhancement resources needed as this community grows in its residents' use of the Maricopa Trail.
- z. The following Maricopa County Department of Emergency Management stipulations shall apply:
1. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of that development, using technical information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.
 2. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.
- aa. The following Maricopa County Sheriff's Office (MCSO) stipulation shall apply:
- Prior to any zone change, the master developer shall enter into a development agreement and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO) to provide law enforcement services to this development and surrounding areas. This development and Law Enforcement Services agreement shall include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start up costs (vehicular purchase and patrol equipment, e.g. radios, tasers and vehicle laptops) and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. This development agreement may also include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space complete with tenant improvements or land (the size to be determined in the development and Law

**FORMAL SESSION
October 31, 2007**

Enforcement Services agreement,) or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to this development and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. The developer(s) who incur the above Sheriff's Office costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the development agreement. This stipulation shall be modified should a Sheriff's Office Impact Fee be enacted by the county. This development and Law Enforcement Services agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

- bb. The following Flood Control District of Maricopa County (FCD) stipulations shall apply:
- The owner or his representative shall obtain a Conditional Letter of Map Revision prior to any final plat approvals.
- cc. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
1. The Applicant (Developer) has provided a Traffic Impact Study (TIS.) The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall address the timing, including "trigger" points for when design should begin, and "thresholds" by which time construction should be complete. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS (original dated April 27, 2007) shall be updated prior to any zoning (rezoning) and/or final plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite arterial alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain regional improvements as further defined in the Development Agreement, in lieu of payment of this contribution. Such street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct regional roadway improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

**FORMAL SESSION
October 31, 2007**

3. The Development Agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Developer shall provide the ultimate full or half-width of right-of way for all public roadways. Right-of-way shall be provided as follows:
 - a. 395th Avenue: 65 feet half-width (perimeter) r/w.
 - b. 394th Avenue: 80 feet full-width (interior) r/w.
 - c. 392nd Avenue: 60 feet full-width (interior) r/w.
 - d. 391st Avenue (north of Missouri Avenue): 80 feet full-width (interior) r/w.
 - e. 390th Avenue: 80 feet full-width (interior) r/w.
 - f. Maryland Avenue: 40 feet half-width (interior) r/w.
 - g. Bethany Home Road: 130 feet full-width (interior) r/w.
 - h. Missouri Avenue: 40 feet half-width (perimeter) and 80 feet full-width (interior) r/w.
 - i. Camelback Road: 100 feet half-width (perimeter) r/w.

The above references the interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways.) Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways.) Additional right-of-way shall be dedicated at any intersections where future dual left turns are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

The Maricopa Association of Governments (MAG) in conjunction with the Arizona Department of Transportation (ADOT) is conducting a "Hassayampa Valley Regional Transportation Network Study." This study is evaluating future regional arterial transportation network needs. The Developer shall reserve sufficient right-of-way for transportation facilities in compliance with the MAG Hassayampa Study.

5. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Developer's contribution referred to in item #2. All roadways must meet all county standards in effect at the time. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") Half-width roadways must be designed and constructed so as to safely carry two-way traffic until the ultimate roadway is constructed. The Developer shall relocate any "obstructions" (well sites, etc. and/or provide additional right-of-way in the event of conflict with any transportation facilities. Roadway improvement plans must be approved and permitted by MCDOT.

6. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer's contribution referred to in item #2.
7. The Developer shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Developer shall not locate elementary or middle schools on arterial alignments. (The schools may not "back-up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
10. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. The Developer shall prepare a comprehensive multimodal transportation and circulation plan (the "Multimodal Plan") which addresses public transit, bicycle, pedestrian, golf cart, equestrian and other alternative uses. The Multimodal Plan must be approved before the subsequent approval of any roadway improvement plans.
11. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
12. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to the Homeowner's Association (HOA) shall be responsible for maintenance of landscaping within public rights-of-way.
13. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
14. The Developer shall comply with all applicable local, state and federal requirements (dust control, noise mitigation, AZPDES, 404 permitting, etc.)
15. The Developer shall provide written documentation of ADOT's review and requirements. (The Developer has submitted documentation of ADOT's review. MCDOT is in the process of evaluating ADOT comments. This coordination will be on-going.)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

16. The Developer shall satisfactorily address needed improvements to Indian School Road, Wintersburg Road and the 359th Avenue/I-10 traffic interchange. (This is in process and will be on-going.)

- dd. The following Luke Air Force Base (LAFB) stipulation shall apply:

The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

"You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flights per year, at an average of approximately 170 over flights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 A.M. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&Rs) and be included in the public report.

- ee. The following Drainage stipulations shall apply:

1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
3. The applicant shall address all items identified in the drainage review memorandum dated August 1, 2007.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this item to the November 14, 2007, meeting. Darren Gerard said that he will recommend the following change to stipulation "r" for that meeting.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- r. ~~Not less than 10 acres shall be reserved for Office land use in the general location of Parcel 12. Not less than 350,000 square feet shall be reserved for office-type employment in Parcels 13 and 15 (Mixed Use) consistent with office employment uses permitted in the Commercial Office Zoning District (C-O) of the Maricopa County Zoning Ordinance.~~

4. **Z2007-038 District 3**
Applicant: Butler Design Group for Reliance Companies
Location: South of Anthem Way on the southwest side of Venture Drive (in the Anthem area)
Request: Rezone from C-O to C-O CUPD with a precise Plan of Development (approximately 6.65 acres) – Reliance Anthem Corporate Center

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2007-038, subject to stipulations “a” through “q”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Reliance Anthem Corporate Center” consisting of fifteen (15) full size sheets, dated revised June 6, 2007, and stamped received August 22, 2007, except as modified by the following stipulations. Within 30 days of Board of Supervisors (BOS) approval, the applicant shall provide a revised site plan addressing maximum building height.
- b. Development of the site shall be in conformance with the narrative report entitled “Reliance Anthem Corporate Center” consisting of twenty-nine (29) pages and twelve (12) 11” x 17” sized color exhibits, but excluding the floor plans identified as sheets A1.1, A1.1a, A1.1b, A1.2, A1.2a, A1.2b, A2.1, A2.1a, A2.1b, A2.2, A2.2a, A2.2b and grading and drainage plans identified as sheets C1 – C13, dated revised August 15, 2007, and stamped received August 22, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Reliance Anthem Corporate Center”, consisting of two (2) full size sheets, dated revised August 9, 2007, and stamped received August 22, 2007, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the comprehensive signage package provided within the Reliance Anthem Corporate Center narrative report entitled “Comprehensive Signage Program” consisting of ten (10) 11” x 17” sized color exhibits identified as pages 1 - 10. Compliance with this Comprehensive Signage Package constitutes a Commercial Unit Plan of Development (CUPD) Overlay for the site.
- e. All trees shall be double-staked when installed.
- f. A continuous parapet shall screen all roof-mounted equipment.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall

be screened with landscape material where possible. All HVAC units shall be screened from view.

- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. Construct a 5'-foot sidewalk with ADA ramps at driveways to meet MCDOT requirements on Venture Drive.
 - 2. Driveway locations and configurations must meet MCDOT requirements per Roadway Design Manual.
 - 3. Any landscape in County right-of-way must meet MCDOT requirements per Roadway Design Manual.
- i. The following Drainage Review stipulations shall apply:
 - 1. At submittal of the construction plans detailed information and calculation to be provided for the environmental pillows in the catch basin.
 - 2. Provide a maintenance program for the environmental pillows.
- j. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- m. Development and use of the site shall comply with the requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- q. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard said there is no known opposition to this item.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this rezoning with stipulations "a" through "q."

5. Z2006-057 District 3

Applicant: Paula & Kenneth Doerr

Location: Southwest corner of Galvin Street and 7th Street (in the New River/Desert Hills area)

Request: Special Use Permit (SUP) for a kennel in the Rural-43 zoning district (approximately 1.074 acres) – Santa Fe Dog Retreat

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2006-057, subject to stipulations "a" through "w". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Santa Fe Dog Retreat (Dog Kennel)", consisting of one (1) full-size sheet, dated revised July 27, 2007 and stamped received August 3, 2007, except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised site plan that addresses the following items:
 - i. The site visibility triangle (STV) located adjacent to the northwest corner of the site shall be relocated such that the base of the triangle is coincident with the right-of-way line and the side of the triangles is coincident with the westernmost edge of the driveway. Any portion of the STV that encroaches onto the adjacent property shall be subject of a sight visibility triangle license that favors the subject property.
 - ii. Should the applicant be unable to obtain a sight visibility triangle license, the Site Plan shall be amended such that the STV discussed in stipulation a.i above is located entirely on the subject property, with the driveway shifted to the east a commensurate distance.
 - iii. The Site Plan shall indicate the length of all parking spaces.
 - iv. The Site Plan shall indicate all landscaping located on the subject property and adjacent right-of-way.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- b. Development of the site shall comply with the narrative report entitled "Santa Fe Dog Retreat", consisting of seven (7) pages, dated July 30, 2007 and stamped received August 3, 2007 except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised narrative that amends the statement related to diagonal parking spaces such to indicate right-angle parking.
- c. The applicant shall continue to comply with the Maricopa County Environmental Health Code, as administered by the Maricopa County Environmental Services Department.
- d. All trees shall be double-staked when installed.
- e. The west boundary area along the parking spaces shall be screened from view, either by landscaping or with view-obscuring material. No portion of the screening shall exceed a height of two (2) feet if within a required sight visibility triangle.
- f. The following stipulations from Maricopa County Department of Transportation (MCDOT) shall apply:
 - i. The applicant shall pave the portion of the driveway located within County right-of-way.
 - ii. No parking is allowed within county right-of-way.
- g. Dedication of additional right(s)-of-way to bring the total half-width dedication to 40' for Galvin St. shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. The maximum number of dogs allowed at the facility on any given day shall be limited to twenty-five.
- k. At no time shall the dogs be allowed outside without direct supervision.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- m. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- n. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- o. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- p. This Special Use Permit shall expire fifteen (15) years from the date of approval by the Board of Supervisors, or upon expiration, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- q. The applicant shall submit a written report outlining the status of the development every five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- u. Major changes to this Special Use Permit (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- v. The daily outdoor exercising of dogs shall be limited to the following schedules: Summer is designated as May through October, and Winter is designated as November through April.

Summer hours: 7 a.m. to 9 p.m.
Winter hours: 7 a.m. to 7 a.m.

No dogs shall be allowed outside the premises from 9:00 p.m. to 7:00 a.m.
- w. The hours of operation for the Santa Fe Doggie Retreat shall be as follows:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

	<u>Morning Drop-Off</u>	<u>Afternoon Pick-Up</u>
Mon. thru Sat.	6:30 to 11:00 a.m.	4:00 pm –7:00 p.m.
Sunday	8:00 to 11:00 a.m.	4:00 pm - 6:00 p.m.

Darren Gerard said there is tremendous neighborhood support for renewal of this Special Use Permit for an animal kennel.

Noel J. Herbets, attorney, was present for the applicant to answer any questions but there were none.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this Special Use Permit with stipulations "a" through "w."

- 6. Z2007-017 District 1**
Applicant: Jennifer Lynn & Dean Richards
Location: Southeast corner Chandler Heights Road and 126th Street (in the Chandler area)
Request: Special Use Permit (SUP) for a private school in the Rural-43 zoning district (approximately 1.34 acres) – Montessori Christian Academy

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2007-017 subject to stipulations "a" through "z". Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Montessori Christian Academy", consisting of one (1) full-size sheet, dated (revised) August 2007, and stamped received August 29, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Special Use Permit for Private School a Montessori Christian Academy", consisting of seven (7) pages, dated (revised) August 27, 2007, and stamped received August 29, 2007, except as modified by the following stipulations.
- c. Within 90 days of the Board of Supervisors approval, the applicant shall landscape the perimeter of the site with desert vegetation to screen the play yard to provide visual relief from adjacent property owners. The fencing around the play yard shall also be secured with welded wire or in some other suitable manner. These improvements shall be depicted on the site plan as part of the first status report.
- d. The Montessori Christian Academy shall operate Monday - Friday from 7:00 a.m. to 6:00 p.m.
- e. The maximum number of students shall be twenty eight (28).
- f. There shall be no off-street parking.
- g. There shall be no extracurricular events, meetings, parties, or any other type of gatherings at the subject site.

- h. The school shall not maintain any type of animals or fowl on the premises.
- i. Prior zoning clearance, the applicant shall provide documentation for legal ingress/egress along 126th Street to the site.
- j. Prior to occupying the existing residence or any portion thereof for any use associated with the Special Use Permit, the applicant shall obtain a Building Permit to retrofit the existing residence to meet current commercial building code requirements as applicable and shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.
- k. Dedication of additional rights-of-way to bring the total half-width dedication of 65' for Chandler Heights Rd. shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- l. The following Maricopa County Department of Transportation (MCDOT) shall be met:
 - All driveway and parking areas be paved and maintained by the applicant.
- m. All trees shall be double-staked when installed.
- n. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- o. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- p. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- q. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- r. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- s. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- t. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- u. This Special Use Permit shall expire twelve (12) years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- v. The applicant shall submit a written report outlining the status of the development, together with a traffic issues (including volume, access, etc.) every three (3) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- w. Major changes to the Special Use Permit (SUP) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- x. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- y. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- z. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the background of this case and said one letter of opposition was received expressing concern about increased traffic, but he explained there will only be 28 students and it wasn't felt traffic would be a concern.

Wendy Hardin and Dean Richards, co-owners of the proposed school, spoke on two of the stipulations, one on retrofitting the house to building code specifications and the other on paving the driveway and a parking area. Several solutions were discussed on the paving issue and Ms. Hardin liked a suggestion from Supervisor Stapley on mixing pavers and grass so it would not look so bleak for neighbors. Mr. Richards said he felt they could pave it and they would be in compliance with the stipulations. He thanked the P&D staff who "bent over backwards to help us."

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "z."

- 7. Z2007-058 District 1**
Applicant: B & R Engineering for Sun Lakes Limited Partnership
Location: Northeast corner of Price Road and Teakwood Drive (in the Sun Lakes area)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

Request: Special Use Permit (SUP) for outdoor storage/construction yard in the R1-6 RUPD zoning district (approximately 1.02 acres) – Sun Lakes Carpet and Roofing Center

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2007-058, subject to stipulations “a” through “o”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Special Use Permit consisting of two (2) sheets for Sunburst Roofing Company and Sun Lakes Carpet Center”, consisting of two (2) sheets, dated revised August 30, 2007 and stamped received August 31, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Narrative Report for Sun Lakes Carpet Center and Sunburst Roofing Company - Special Use Permit”, consisting of eleven (11) pages, dated (revised) July, 2007, and stamped received August 31, 2007, except as modified by the following stipulations.
- c. The hours of operation for the facility shall be limited to 6:00 a.m. to 4:00 p.m., Monday through Friday.
- d. The number of full-time employees shall not exceed seven (7).
- e. The number of deliveries shall not exceed ten (10) per day.
- f. There shall be no off-site parking permitted for day to day operations of the facility.
- g. There shall be no outdoor storage of materials which exceed 6’ (h). All outdoor storage materials must be placed so as to be screened by the 6’ (h) block wall as reflected on the site plan.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. There shall be no structures, landscaping, fence, wall, or terrace or other obstruction to view in excess of two feet in height as measured from the centerline of the street shall be placed within the required 25-foot sight visibility triangles.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. This Special Use Permit shall expire on January 3, 2009, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 90 days of such termination or expiration.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the background of this case and said 74 letters of opposition have been received, which represents 60% of the property owners and triggers a super majority vote by the Board. He said the applicant, B&R Engineering is asking for a one-year extension to their Special Use Permit to allow their outdoor storage and construction yard to remain in the current position as they ready things to transition it to a Casa Grande job site. Neighbors to the site oppose any extension because of the unsightly premises.

Jack Cook, resident living near the site, said the company promised they would vacate this site when he bought his property, adding that until lately they haven't been involved in any new construction. He said it is very unsightly with equipment projecting higher than the walls and he felt those walls should be textured and painted and maintained to look like the wall treatment in the rest of the subdivision instead of the "raw concrete blocks." He also believed that it would be more pleasing to residents if they landscaped the area by the street instead of leaving it unmaintained. He said he is tired of having to look at this unattractive area amidst their beautiful homes.

Gary Howard, resident living next door to subject property, feared that if an extension is granted they would just apply for another one again and again and might never move out. He referenced the company's annexation fight in Casa Grande that he said was lost in the court of appeals. He reported that he had found them some property in Casa Grande, but it would cost them \$40,000 to rent it and they pay nothing where they are now so why would they want to move. He conceded that if the extension was for only one year he supposed everyone could "live with that" but he said the company obviously found it easier to fight for extensions than to move out and his fear was that they might never leave.

Gary Hays spoke for the applicant, Robeson Communities, and said they are only 43 homes away from completing this Development Master Plan. He said that no promises had been made on when they would move out, and they had lowered their request for an extension from 10 years to one year, and had done some other things to appease the neighbors.

Supervisor Wilcox asked if they could paint the fence. Mr. Hays said that it seemed senseless since it would be torn down in a year.

Supervisor Wilson commented that the Board had worked to cooperate with Robeson on timing issues in earlier cases and now that the "shoe is on the other foot" they aren't cooperating. He recommended an

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 31, 2007**

extension of six months instead of the year as he felt they were not addressing the problem, which he felt would be relatively easy to solve.

Chairman Brock said he felt a one year extension was a reasonable compromise, but cautioned that it was to be no longer than a year.

Motion was made by Supervisor Kunasek to extend this SUP for one year. He felt the subdivision has not yet been completed and this would be a short inconvenience for residents. He said that you can't have a perfect time line when such a huge project begins, and this one began 25 years ago.

Supervisor Stapley suggested denying the request but giving Robeson 12 months to clear the site. He felt this would give the residents some confidence in the outcome. Darren Gerard said in an earlier case this year a Special Use Permit had been denied and the Board had instructed P&D to give them six months before they enforced it. He said this current SUP expires in two months.

Gary Hays said he would put on the record that, "We will not ask for another extension." He agreed that Supervisor Stapley's suggestion was basically the same thing as approval with a year's extension. However, he felt that with the approved extension it would be 'cleaner' from a legal standpoint. Chairman Brock felt concern on possible flood, fire and insurance purposes and said he felt it had been made clear that this would be for one year only with no future extensions.

Motion was seconded by Supervisor Wilcox. She asked the applicant to clean-up the weeds, etc., if such is present at the site.

Motion carried with a unanimous, super-majority roll call vote with Supervisors Stapley, Kunasek, Wilcox, Wilson and Brock voting "aye" to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "o" and noting that the extension was one-time-only and only for one year.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board